

**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF REGISTERED NURSING MINUTES**

**DATE:** December 1-2, 2005

**TIME:** 9:00 am Both Days

**LOCATION:** Hilton Los Angeles North/Glendale & Executive Meeting Center  
100 West Glenoaks Blvd.  
Glendale, CA 91202

**PRESENT:** LaFrancine Tate, Public Member, President  
Jill Furillo, RN, Vice President  
Carmen Morales-Board, MSN, RN, NP  
Elizabeth O. Dietz, Ed.D. RN,CS-NP  
Grace Corse, RN  
Janice Glaab, Public Member  
Mary C.Hayashi, Public Member  
Orlando H. Pile, M.D.  
Susanne Phillips, MSN, RN, APRN-BC, FNP

**NOT PRESENT:**

**ALSO PRESENT:** Ruth Ann Terry, MPH, RN, Executive Officer  
Susan Brank, Assistant Executive Officer  
Elliot Hochberg, Manager, Enforcement Program  
Carol Stanford, Diversion/Probation Acting Program Manager  
Heidi Goodman, Manager, Licensee & Administrative Services  
Louisa Gomez, Manager, Licensing Standards & Evaluation; Advanced Practice  
Louise Bailey, MEd, RN, Supervising NEC  
Miyo Minato, NEC, RN  
Grace Arndt, MSN, RN, NEC  
Badrieh Caraway, RN, MS, Med, NEC  
Carol Mackay, RN, NEC  
Katie Daugherty, MN, RN, NEC  
Kay Weinkam, MS, RN, NEC  
Janette Wackerly, MBA, RN, NEC  
Geri Nibbs, RN  
Chris Ruiz, Administrative Law Judge  
Sharon Cohen, Deputy Attorney General  
Don Chang, Legal Counsel  
Nancy Hall, DCA Deputy Director of Board Relations  
Kathy Door, Chief, Division of Investigation  
Christina Sprigg, Enforcement Program  
Eleanor Calhoun, Recording Secretary

## **Thursday, December 1, 2005**

### **1.0 CALL TO ORDER**

L. Tate, Board President, called the meeting to order at 9:03 am and had the Board members introduce themselves. The Board welcomed students from Los Angeles City College, El Camino College, Glendale Community College and Golden West College.

### **2.0 DISCIPLINARY MATTERS**

The Board convened in closed session pursuant to Government Code Section 11126(c)(3) to deliberate on disciplinary matters including but not limited to those listed on the agenda, and pursuant to Government Code Section 11126(e)(1,2(A)) to confer with Legal Counsel regarding pending litigation.

#### **Termination of Probation**

JACOBS, Janet K.

Probation reduced to 3 years;  
NP and NPF Reinstatement DENIED

KING, Janet Kay

GRANTED

#### **Reinstatements**

HARRIS, Dawn Marie

Decision Pending

HOLLAND, Penny L.

DENIED

SISON, Albert Dacono

DENIED

TERRY, Andrea Dee

Decision Pending

#### **Closed Session Discussion Items**

L.Tate, Board Vice President, called the closed session meeting to order at 1:00 pm. The closed session adjourned at 2:10 pm.

## **Friday, September 9, 2005**

L. Tate, Board, President, called the meeting to order at 9:15 am and had the Board members introduce themselves. The Board recognized S. Erickson, CRNA, past President of the Board of Registered Nursing, for her many years of service. The Board also observed a moment of silence, recognizing Dr. Margretta Madden Styles, Board Member and President of the Board of Registered Nursing, 1985-1993.

### **3.0 OPEN FORUM**

S. Erickson came forward to address concerns regarding Certified Registered Nurse Anesthetists (CRNA).

### **4.0 APPROVE/NOT APPROVE MINUTES OF September 8-9, 2005 Board Meeting.**

MSC: Dietz/Corse that the Board approve minutes from the September 8-9, 2005 Board meeting. 9/0/0

### **5.0 REPORT ON BOARD MEMBERS' ACTIVITIES**

C. Morales-Board spoke with staff at Kern Medical Center regarding the BRN.

## **6.0 EXECUTIVE OFFICERS' REPORT ON BOARD AND DEPARTMENT ACTIVITIES**

R. Terry presented this report

### **1.0 Move Update**

On Friday, December 9, 2005, the Board's office will be moving to our new facilities. In order to assist the public, the Board's telephone system and Website was updated on November 28<sup>th</sup> with the new physical address and driving directions. The Board's main telephone number (916- 322-3350) and TDD number (916-322-1700) for individuals with a hearing impairment will remain the same; however, all other telephone numbers will change.

As of December 12<sup>th</sup> the Board will be located at the following physical address:

Board of Registered Nursing  
1625 North Market Blvd., Suite N-217  
Sacramento, CA 95834-1924

The Board's mailing address will remain the same:

Board of Registered Nursing  
PO Box 944210  
Sacramento, CA 95814-6239

### **2.0 Board Updates**

Website - The Board has added a new feature to its Website that allows the public to request examination and endorsement application packets, livescan forms and fingerprint cards.

A second feature will be added to the Board's Website once the relocation is complete. The Webmaster e-mail address will allow the requestor to self- direct their question to the unit that the question or inquiry pertains. There will be five areas where questions can be directed, i.e., Renewals, Licensing, Diversion, Nursing Education, and Enforcement.

### **3.0 DCA Updates**

Consumer Connection - Policy and Publications Development (PPD) Office of the Consumer and Community Relations Division announced the first issue of the *Consumer Connection*. The on-line newsletter with a magazine format is now available on the DCA home page. This newsletter is designed to focus on the activities and services of all DCA bureaus, programs, boards, committees, and commissions to showcase special activities in support of consumer protection. *Consumer Connection* will be distributed on-line to consumer groups, community-based organizations, governmental agencies, district attorneys' offices, legislators and their staff, and to DCA employees,

iLicensing System Update - The Department's Office of Information Unit has completed the Feasibility Study Report and is finalizing the Information Technology Procurement Plan, which establishes the need for a competitive bid to secure contract services for an independent project oversight consultant, independent verification and validation

consultants and a software vendor to provide a solution. These documents will be sent to the Department of Finance for review.

#### **4.0 Nursys® Business Design Task Force**

Heidi Goodman, Licensee and Administrative Services Program Manager, has been selected to serve on this task force. The focus will be to evaluate the Nursys® business design and rules, along with associated policies and procedures, and make recommendations to NCSBN's Board of Directors. Currently the Board provides disciplinary actions taken against an RN's license into this national database and is reviewing other features that are available on this system.

#### **5.0 OSHPD Division of Healthcare Workforce**

Angela Smith Minniefield was appointed to head the OSHPD Division of Healthcare Workforce and Community Development. In her new capacity, she will oversee the Song-Brown funding, among other responsibilities.

#### **6.0 Personnel**

The following personnel changes have transpired since the last Board Meeting:

<b><u>New Hires</u></b>	<b><u>Classification</u></b>	<b><u>Board Program</u></b>
Anthony Aguirre	Office Services Sup III	Renewals
DeAnn Corrado	Office Technician	Administration
Mariann Fagunes	Assoc Governmental	Probation & Diversion
Program Analyst		
Kyong Kim	Assoc Governmental	Enforcement
Program Analyst		

<b><u>Promotions</u></b>	<b><u>Classification</u></b>	<b><u>Board Program</u></b>
Joan Lee	Office Technician	Renewals
Dusty Studebaker	Office Technician	Renewals
Lisa Chan	Management Services Tech	Licensing
Rod Veloso	Key Data Operator	Licensing
Marcia White	Assoc Governmental	Enforcement
	Program Analyst	

<b><u>Separations</u></b>	<b><u>Classification</u></b>	<b><u>Board Program</u></b>
Mary Giles	Office Services Sup II	Licensing
Erika Lynn-Croy	Office Technician	Renewals
Lisa Kawano	Probation & Diversion Mgr	Probation & Diversion
Shirley Banks	Office Assistant	Office Support
Patricia Meyer	Office Technician	Enforcement

#### **Retirements**

Jacqueline Kelly began her state career with the Employment Development Department in 1975 working various positions. In September 1982, Jacque joined the Board as an Office Services Supervisor over the Licensee and Office Services Support Program and remained there until her retirement in September. During the years of 1983 through

1993, she served as the Board's Chief Examiner for the registered nursing exam. We congratulate Jacque on her retirement!

Virginia "Ginny" Weed began her state career with the Employment Development Department in 1982, transferring to California Conservation Corp in 1983, then Department of Consumer Affairs – Barbering and Cosmetology in 1990 before joining the Board's Enforcement Program in March 1994. In September 1994, Ginny became an International Licensing Evaluator where she remained until her retirement in October. We congratulate Ginny on her retirement!

Marie Keller began her state career with the Board's Licensing Program in 1994 working as an Office Assistant, then Key Data Operator. In 2000, Marie was worked at the Board's Public Information Center where she was responsible for answering public phone inquiries. Marie remained as one of the Board's first contacts until her retirement in November. We congratulate Marie on her retirement!

Board acknowledged Kathy Door, Chief of Division of Investigation.

## **7.0 REPORT OF THE ADMINISTRATIVE COMMITTEE**

L. Tate, Chairperson

### **7.1 Information Only: 100 Years of Nursing Regulation**

R. Terry presented this report

On December 1, 2005 a reception was held honoring the BRN's 100 Years of Nursing Regulation. The reception was well represented by all areas of nursing and gratitude was expressed to the many supporters and sponsors who assisted in hosting the event.

### **7.2 Information Only: BRN 2006 Regulation Calendar**

R. Terry presented this report

State agencies are required to submit a rulemaking calendar annually to the Office of Administrative Law (OAL) for publication in the California Regulatory Register. The rulemaking calendar is due in January. Following is an update on the regulatory action taken in 2005 and items to be included on the 2006 Rulemaking Calendar.

#### **2005 Regulatory Action**

The primary regulatory activity for 2005 pertained to promulgation of regulations amending the requirements for public health nurse certification (California Code of Regulations, Title 16, Section 1491). The regulatory proposal was approved and became effective June 12, 2005. Additionally, work has commenced on the following two items from the 2005 Regulatory Calendar:

- 1. Amend Section 1435.2, Violations and Fines:** Increase the maximum fine amount from \$2500 to \$5000.

2. **Amend Section 1444.5, Disciplinary Guidelines:** Revise BRN Disciplinary Guidelines to strengthen consumer protection and to reflect current nursing practicing.

The Diversion/Discipline Committee is presenting regulatory proposals amending both the aforementioned regulations at the December 2005 Board meeting.

3. **Adopt Article/Section, Disclosure Policy:** Place the “BRN Disclosure Policy” for disciplinary matters in regulations.

A revised draft of the “BRN Disclosure Policy” reflecting the Department of Consumer Affairs’ suggested disclosure policy was developed and presented to the Diversion/Discipline Committee on March 17, 2005.

### **2006 Regulatory Calendar**

The 2006 Regulatory Calendar is comprised of 12 items, including the 11 on the 2005 Calendar. The items from the 2005 calendar are the 3 listed above and the 8 summarized below:

1. **CCR Section 1410, Registered Nurse License Application:** Amend the regulation to include requirement that applicants for licensure with non-English, non-U.S. transcripts and academic documents must, under specified circumstances, provide the documents translated into English by an independent, professional translator.
2. **CCR Section 1421, Application for Accreditation:** Amend the regulation to include submission of a feasibility study and to incorporate, by reference, the Board’s “Guidelines for Proposed New Programs to Prepare Students for Registered Nurse Licensure.”
3. **CCR Sections 1424, 1425, 1425.1, & 1427, Schools of Nursing:** Amend the sections to strengthen the authority, responsibility, and accountability of the nursing program director and lessen Board monitoring of nursing programs.
4. **CCR Section 1444, et. seq., Diversion Program:** Amend the regulations to conform to the statutory changes in SB 1308 (Figueroa, Chapter 655, 1999).
5. **CCR Section 1481, Categories of Nurse Practitioners:** Amend the regulation to specify that nurse practitioners who add a category of specialization beyond their initial specialty category must receive sufficient didactic and clinical experience to become clinically competent in the new specialty.
6. **CCR Section 1482, Nurse Practitioner Certification:** The original intent was to amend the regulation to provide increased clarity and consistency for applicants seeking certification via the equivalency method. The item was included on the 2005 Calendar, but the purpose is to amend the regulation to reflect AB 2226

(Spitzer, 2004), which requires a master's or graduate degree in nursing or in a clinical field related to nurse for nurse practitioner certification. The statute also affects the equivalency method of certification, and the regulation will be amended accordingly.

- 7. Adopt Section, Pharmacology Course for Furnishing of Drugs and Devices:** Establish the requirements for pharmacology course to be completed by nurse practitioners and nurse-midwives to furnish drugs and devices. Include requirements necessary for nurse practitioners to furnish Schedule II controlled substances.
- 8. Adopt Article/Section, Clinical Nurse Specialists Qualifications and Requirements:** Specify the education, experience, and other credentials required for issuance of Board certificate authorizing a registered nurse to use the title "clinical nurse specialist."

The 12<sup>th</sup> item is to adopt new regulations pertaining to nurse anesthetists.

### **7.3 Information Only: Activities of the California Institute for Nursing & Health Care**

D. Jones, RN, MS, Executive Director of the California Institute for Nursing & Health Care (CINHC).

CINHC is a non-profit organization dedicated to developing solutions to a critical nurse shortage and related nursing issues that affect the health of all Californians. CINHC has four focused program areas:

**Master Plan Development:** Creating and implementing a comprehensive, strategically driven statewide plan that ensures California will have sufficient nurses to meet the healthcare needs of its residents. The plan focuses on data, diversity, education, recruitment, work environment and nursing practice.

Goal 1 of the Master Plan for the California Nursing Workforce is Building Educational Capacity in California Schools of Nursing. A copy of the goals, objectives, and strategies of the plan was distributed for review.

**Expanding Nurse Education Capacity and Student Diversity:** Statewide replication of the Hospital Association of Southern California educational and hospital partnership initiative; identifying and disseminating information on successful partnership collaborations; and partnering with the Moore Foundation and Foundation for California Community Colleges to implement capacity-building shared services.

**Increasing the Nursing Workforce and its Diversity:** Improving retention of nursing students and clinical nurses by disseminating successful practices proven to decrease nursing attrition and turnover; sponsoring a campaign to recruit men; and offering *Leading an Empowered Organization (LEO)*, a program that guides positive work culture change.

**Preparing Nurse Managers for Leadership Roles:** Collaborating with the Association of California Nurse Leaders on a leadership development program for front-line nurse managers, *Foundation for Leadership Excellence*.

CINHC will be increasing collaboration with the BRN on the following programs, which will also be funded by the Gordon and Betty Moore Foundation:

1) Computerized Clinical Placement System, a system that provides for the matching of students for clinical placement in hospitals and other clinical settings. There are currently 27 prelicensure and LVN programs, and 45 of the 63 hospitals in the Bay Area on the system.

2) Faculty Resource Center is currently being developed to facilitate the process by which faculty can be shared among schools.

3) Centralized Simulation Centers – proposal is currently being developed that will call for five regional centers in the San Francisco Bay Area for clinical simulation. The centers will be shared by multiple schools, hospitals and others.

## **8.0 REPORT OF THE LEGISLATIVE COMMITTEE**

L. Tate, Chairperson

### **8.1 Information Only: Positions on bills of interest to the Board.**

L. Bailey presented this report

**AB 232 Arambula: Community Colleges: Registered Nursing Programs**

2-year bill

**AB 446 Negrete McLeod: License Settlement Agreements**

Vetoed

**AB 657 Karnette: Pharmacies: Prescription Containers: Labels**

2-year bill

**AB 702 Koretz: Nursing Education**

Chaptered 611

**AB 1116 Yee: Community Care Facilities: Foster Children: Injections**

Chaptered 637

**AB 1184 Koretz: Nurses and Certified Nurse Assistants: Overtime**

Vetoed

**AB 1280 Maze: Public Postsecondary Education: Baccalaureate Degree Completion Programs in Rural Counties**

Chaptered 515



**AB 1351 Vargas: Office of Administrative Law: Regulations**  
No longer applicable to the Board

**AB 1667 Saldana: Pupil Health: Individuals With Exceptional Needs**  
Inactive File

**AB 1711 Strickland: Health Facilities: Immunizations**  
Chaptered 58

**SB 68 Committee on Budget & Fiscal Review: Human Services**  
Chaptered 78

**SB 73 Public Postsecondary Education: Master's Degree Nursing Programs**  
Chaptered 592

**SB 102 Ducheny: Nurse Training Funding**  
Chaptered 103

**SB 614 Figueroa: Certified Nurse-Midwives**  
Chaptered 266

**SB 615 Cervical Cancer: Chaptered 266**  
Chaptered 550

**SB 724 Scott: California State University: Doctoral Degrees**  
Chaptered 269

**SB 734 Torlakson: Controlled Substances**  
Chaptered 487

**SB 796 Figueroa: State Government Operation Accountability**  
Chaptered 686

**SB 869 Bowen: Visiting Nurse Program**  
No longer applicable to the Board

**SB 1111 Figueroa: Professions and Vocations**  
Chaptered 621

## **9.0 REPORT OF THE DIVERSION/DISCIPLINE COMMITTEE** J. Furillo, Chairperson

- 9.1 Information Only: Approve/Not Approve: Amendment to Title 16, Section 1435.2 California Code of Regulations – Citation Violations and Fines to Conform with Amended Statute.**  
E. Hochberg presented this report

On November 30, 2001, the Board approved proposed regulatory amendments to the cite and fine regulations. These regulatory amendments went into effect on January 16, 2003. Effective January 1, 2004 Senate Bill 362 (Ch. 788) became law, and increased the maximum fine that ca be assessed under Business and Professions (B&P) Code 125.9 to \$5,000.

The current citation and fine regulations for the Board under California Code of Regulations (CCR) Title 16, Section 1435.2 limits the range of fines to \$2,500. This fine limit was consistent with the prior B&P Code Section 125.9.

On May 14, 2004, a proposed regulation updated to be in conformance with statute, was presented to the Board. The Board approved the proposed regulation.

On October 19, 2004, the Department of Consumer Affairs (DCA) sent a memo to all Boards, Bureaus, and Committees, in which concerns were raised that the enhanced fine not be regarded as a revenue generator. However, there were “exceptional circumstances” which would warrant a fine between \$2,501 and \$5,000. Therefore, a proposed regulation following the “exceptional circumstances” guidelines in the memo was reintroduced to the Board for approval.

It was recommended that cite and fine regulation be updated to conform with statute, and with the policy considerations proposed by (DCA)

The amended B&P Code Section 125.9, and proposed amendments to CCR Title 16, Section 1435.2, and the October 19, 2004 memo from Legal Affairs, was attached for Board Member review.

Comments: E. Dietz

MSC: Tate/Phillips that the Board approve the proposed amendments to CCR Title 16, Section 1435.2. 9/0/0

**9.2 Approve/Not Approve: Proposed Regulation revision to recommended Guidelines for Disciplinary Orders and Conditions of Probation – Condition 18, Mental Health Examination**

E. Hochberg presented this report

The Recommended Guidelines for Disciplinary Orders and Conditions of Probation (Disciplinary Guidelines) was last revised in October of 2002. The Disciplinary Guidelines have an optional Mental Health Examination Condition that is used for chemical dependency cases, and other cases involving mental health issues.

On May 19, 2005, a proposed revision to Condition 18, Mental Health Examination, was provided to the Committee as an “information only” item. The Committee requested proposed alternative language for this probation condition, as the present condition does not adequately address all mental health issues.

The purpose of a mental health examination is to provide an independent, objective and expert evaluation and recommendation that will:

- Identify the specific examination(s) needed by Board Probation Unit staff, in decision-making regarding licensees.
- Assess safeness for practice.
- Identify treatment, therapy, counseling, or other parameters that may assure safe practice or restore an individual's capacity to safely practice.
- Provide monitoring and compliance assurance recommendations.

A mental health examination should be considered as a condition of probation or precedent to removing a suspension from practice. This is done because the Board has identified through investigation that the RN may be unable to practice with reasonable skill, safety, and/or ethical decision making. Such deficits may provide actual or potential barriers to the delivery of care.

Types of examinations that may be required include:

- Substance abuse
- Chronic pain
- Sexual misconduct/boundaries
- Neuropsychological/cognition
- Competency
- Anger management
- Other behavioral issues

The health professionals that may conduct the examination have expertise in the area(s) where the Board has identified a concern, and therefore seeks additional information. Physicians, psychologists, nurse practitioners, physician assistants, and counselors/therapists may provide specialized expertise in the aforementioned areas. These health professionals are responsible for providing timely reports and recommendations.

The draft proposal, which would substitute for the existing Mental Health Examination Condition, was provided to Board Members for review and discussion.

MSC: Pile/Dietz that the Board approve the proposed regulation revision. 9/0/0

### **9.3 Information Only: Enforcement Program Update and Statistics**

E. Hochberg presented this report

A copy of the Enforcement Program statistics for the first three months of fiscal year 2005-2006 (July 2005 through September 2005) was provided for review.

The number of licensee disciplinary actions and pleadings filed is currently projected to be less than last fiscal year. However, it is anticipated that this will change, as the Attorney General's (AG's) Office assigns cases to new Deputies Attorney General. The breakdown of how disciplinary action is achieved (i.e. by stipulated agreement, administrative hearing, and default decision) reflects the increasing ability to settle cases by stipulated agreement (63%). This would be the highest that has been obtained historically.

Referrals to the AG are also projected to be at an all time high (564), which reflects greater activity by the Enforcement Program. This is 44% greater than the highest number of referrals in any of the five previous fiscal years.

The Board will continue to monitor statistics and future projections, and will also continue to monitor the Division of Investigation on aging cases and cases referred to DOI in fiscal year 2005-2006.

#### **9.4 Information Only: Diversion Program Update and Statistics**

C. Stanford presented this report

##### Contractor Update

The cost estimate from the contractor is cost prohibitive; therefore, we will be unable to establish the two proposed new Diversion Evaluation Committees (DEC) in Bakersfield and Santa Barbara. The current DEC's that would have had their numbers reduced will continue to run for two days and the case managers and DEC Chairs will closely monitor the frequency of participant's meetings in order to keep the two day meetings manageable.

The contractor is continuing with improving the computer system and is developing automated solutions that will allow participants and others involved with the program to submit the documents on-line via a secure server.

S. Menenberg submitted her resignation as Project Director for Maximus. She will be returning to direct patient case and has accepted a position with Kaiser Permanente's Chemical dependency Recovery Program.

##### Diversion Evaluation Committees (DEC)

There are currently five vacancies as follows: three Public, one Physician and one Registered Nurse. Recruitment efforts are continuing in an effort to establish a pool of eligible candidates for appointment.

##### Statistics

A copy of the Monthly Statistical Summary Report through September 2005 was provided for review. As of September 30, 2005, there are 1107 successful completions.

## 9.5 Information Only: Probation Program Update and Statistics

C. Stanford presented this report

### Program Update

The Program welcomed M. Fagunes as the new Probation Monitor. Ms. Fagunes has over 20 years of State service experience, including four years as a Probation Monitor with the Board of Vocational Nursing and Psychiatric Technicians.

### Statistics

Below are the current statistics for the Probation Program through October 27, 2005.

MALE	109
FEMALE	324
CHEMICAL DEPENDENCY CASES	243
PRACTICE CASES	135
SOUTHERN CALIFORNIA	235
NORTHERN CALIFORNIA	198
PENDING AT THE AG	35
ADVANCED CERTIFICATES	40
TOTAL IN-STATE PROBATIONERS	433

## 9.6 Information Only: Diversion Evaluation Committee Member Resignation

C. Stanford presented this report

In accordance with Section 2770.2 (B&P), the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committee(s) of its Diversion Program. Each Committee is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

On September 9, 2005, the Board appointed the registered nurse named below as a Diversion evaluation Committee Member. Subsequently, this appointee chose to withdraw her application.

Gaye Wilson

Nurse Member

North Central DEC #12

## **10.0 REPORT OF THE EDUCATION/LICENSING COMMITTEE**

C. Morales-Board, Chairperson

### **10.1 Approve/Not Approve: Education/Licensing Committee Recommendations:**

M. Minato presented this report

#### **Continue Approval of Nursing Education Program:**

- Gavilan College, ADN Program

#### **Approve Major Curriculum Revisions:**

- California State University, Sacramento, BSN Program
- College of the Canyons, ADN Program

MSC: Dietz/Tate that the Board approve the recommendations from the Education/Licensing Committee. 9/0/0

### **10.2 Ratify Minor Curriculum Revisions**

M. Minato presented this report

According to Board policy, Nursing Education Consultants may approve minor curriculum changes that do not significantly alter philosophy, objectives, or content. Approvals must be reported to the Education/Licensing Committee and the Board.

The following programs have submitted minor curriculum revisions that have been approved by the NECs:

- University of San Diego, Entry Level Master's Program
- Butte College, Associate Degree Nursing Program
- Chabot College, Associate Degree Nursing Program

The following programs have submitted a progress report that has been accepted by the NECs:

- Bakersfield College, Associate Degree Nursing Program
- Compton Community College, Associate Degree Nursing Program
- Copper Mountain College, Associate Degree Nursing
- Long Beach City College, Associate Degree Nursing Program
- Yuba College, Associate Degree Program

MSC: Pile/Phillips that the Board approve the minor curriculum revisions. 9/0/0

### **10.3 Grant/Not Grant Initial Approval for California Baptist University, Baccalaureate Nursing Program**

M. Minato presented this report

Dr. Constance Milton is the Dean of School of Nursing and will be the Program Director.

Miyo Minato, NEC, conducted an initial approval visit to California Baptist University on October 17, 2005. The program was found to be in compliance with Board's rules and regulations. Additional information requested related to the implementation of the curriculum, i.e., course syllabi, clinical evaluation tool, will be reviewed in Spring 2006, prior to the first admitted class in Fall 2006.

Founded in 1950, California Baptist University is a four-year comprehensive Christian University accredited by the Western Association of Schools and Colleges (WASC). With a student body of over 3100, CBU offers three baccalaureate degrees in 28 majors and seven graduate programs. The University offers undergraduate degrees in School of Education, the School of Behavioral Sciences, the School of Music, the School of Christian Ministries, the School of Business, the College of Arts and Sciences and the proposed School of Nursing, starting Fall 2006. If approved, this program is the only BSN program in the Riverside County.

The School of Nursing is housed in the James Building on the campus with plans for individual office spaces for full time faculty and adjunct-faculty room for part-time faculty. There is a 2100 sq. ft., newly completed modular Skills Lab that has 10 beds with privacy curtains, two mannequins, ample storage spaces, and sinks with foot control. Additionally, the University will have a new Health-Sciences Building to be completed Fall 2007. This new building will house the School of Nursing, including a permanent Skills Lab.

Academic Resource Center (ARC) offers tutoring (40 tutors available) and other academic assistance. For approximately 60+ students, who are currently enrolled in prerequisite science courses, ARC has helped form a learning community to facilitate students' learning and developing support network. Advisement, Admission, and Registrar are working closely with the School of Nursing with the information for the proposed BSN Program.

Dr. Milton has a 12-month contract and will have 75% administrative time and 25% teaching. The first full-time faculty the University plans to hire would be their Associate Dean (Assistant Director), who will be given 50% release time to assist the Program Director. They plan to hire two full-time faculty with two part-time faculty each year until they have a full compliment of faculty. They will have a faculty-student ratio of 1:10 in clinical rotation.

Clinical site visits were made to Riverside Community Hospital, Parkview Community Hospital, and Riverside County Department of Public Health, which are agencies that the program plans to use. Riverside Community College (RN and LVN Programs), CSU, San Bernardino, and Loma Linda University currently use these agencies. However, these agencies indicated that they would not have any difficulty in offering clinical rotations. A clinical

If granted Board approval, CBU will enroll its first group of students (40) in September 2006 and will admit annually. The proposed program will be offered

in a fifteen-week semester and will have prerequisites in the first year and nursing courses during the last three years. The first class is expected to graduate in Spring 2009.

The curriculum framework is based on Parse's theory with major unifying concepts of meaning, rhythmicity, and transcendence. The curriculum consists of 62 nursing units (Theory – 40; Clinical 22) 9 units of communication courses, and 28 units for the sciences for Content Required for Licensure units of 99. There are 25 units of other degree requirements, with the Total Units for Graduation of 124.

An interim visit will be conducted in the following time periods: Spring 2006 to review the material requested; Spring 2008 to review the progress of the new program; and Fall 2009 to fully evaluate the program and the success of its students in passing the licensing exam.

MSC: Phillips/Tate that the Board grant initial approval of California Baptist University, Baccalaureate Nursing Program. 90/0

#### **10.4 Grant/Not Grant Initial Approval for San Joaquin Valley LVN to RN Associate Degree Nursing Program**

M. Minato presented this report

Mary Ann Duncan, M.S.N., RN, former program director at Merced College from 1992 to 2002, has been the consultant/Director who has been working with San Joaquin Valley College to develop an LVN to RN program after the Board's acceptance of SJVC's feasibility study at its June 24, 2005, meeting.

Kay Weinkam, Nursing Education Consultant, conducted an initial approval visit to San Joaquin Valley College on October 3, 2005. The program was found to be in compliance with the Board's rules and regulations. There were no recommendations.

Founded in 1977, San Joaquin Valley College is a private college, accredited by the Accrediting Commission for Community and Junior Colleges/Western Association of Schools and Colleges. Its executive offices and a campus are located in Visalia. Other campus locations are: Bakersfield, Modesto, Rancho Cucamonga, Rancho Cordova, and Fresno; an Aviation Campus, also in Fresno; and an extension of the Visalia campus in Hanford. The College currently offers the Associate of Science degree in the areas of health, business, and technology.

The site of the proposed program is the Visalia campus, located at 8400 W. Mineral King Road, Visalia, in Tulare County, close to the intersection of Highways 99 and 198. Health Studies programs already offered on this campus are: Clinical and Administrative Medical Assisting, Dental Assisting, Pharmacy Technology, Dental Hygiene, Physician Assistant, Respiratory Therapy, and Vocational Nursing. The NCLEX pass rates for the LVNs for 2003 and 2004, are



96 and 100%, respectively). The College has recently received authorization to increase the number of students enrolled per class from 20 to 30.

Ms. Duncan's contract was for a limited time. The College is currently conducting interviews for a full-time Director (60% administrative time, 40% teaching) and expects to hire the Director by November 7<sup>th</sup> or 8<sup>th</sup>. Ms. Duncan has agreed to work with the new Director during the first year.

SJVC will also hire two full-time instructors and a part-time clinical instructor. A full-time administrative assistant who assists applicants with the application process and provides support services to the Director and faculty has already been hired. SJVC has included funds for staff development and continuing education for the Director and faculty in its budget.

If granted Board approval, SJVC will enroll its first group of students (30) in February 2006. Once this group of students completes two terms of the four-term program, another group of students will be admitted who will start at the first term. Up to six students who have completed the prerequisite courses at other institutions can be admitted to the program during the last five weeks of the second term when the first course in the nursing courses sequence, the four unit bridge course, is offered. This would increase the enrollment to a potential 36 for the third and fourth terms. There would then be a total of 66 students on campus during the concurrently running terms. The first class is expected to graduate in September 2007.

The proposed program will be offered using a fifteen-week semester. However, the class hours will be offered over a twenty-week term, with the program consisting of four such twenty-week terms.

The curriculum consists of 36 nursing units (18 of theory, including 3 units for the LVN education, and 18 clinical, including 5 units for the LVN education), 6 units of communication courses, and 26 units for the sciences for Content Required for Licensure units of 68. Two other courses, for 6 units, are required for degree completion.

The clinical component of the program will be conducted primarily on Saturday and Sunday to accommodate working LVN students. The student/faculty ratio will not exceed 6:1. For each clinical group of 12 students, there will be one instructor and one clinical teaching assistant. Ratios may be lower depending on the scheduling of students for supplemental learning experiences. SJVC is in the process of presenting the clinical affiliations with a supplemental document that, together with its contract template, addresses all components of the regulation related to facility agreements.

An interim visit will be conducted in 2007 prior to the graduation of the first class. A second visit will then be scheduled to fully evaluate the program and the success of its students in passing the licensing exam.

MSC: Pile/Phillips that the Board grant initial approval for San Joaquin Valley LVN to RN Associate Degree Nursing Program. 9/0/0

**10.5 Accept/Not Accept Feasibility Study for University of Phoenix (Sacramento Campus), LVN – RN Baccalaureate Nursing Program at Modesto Learning Center**

M. Minato presented this report

Angie Strawn, RN, MSN, Campus Chair of Health Sciences and Nursing

The University of Phoenix (UOP) submitted a feasibility study for a “LVN to BSN Program” at a **Learning Center** in Modesto, Central California. The actual UOP **Campus** is located in Sacramento.

The UOP Learning Center in Modesto will draw potential students from the three adjacent counties of Merced, Stanislaus, and San Joaquin. These three counties include the major cities of Stockton, Modesto, and Merced.

The Central Valley has a very large, diverse ethnic population. The most common health problems are asthma and diabetes. It is also an area where the population experiences poverty, and high unemployment. Obstetrics and newborn services continue to be prominent inpatient services. However, this area over the next ten years is expected to grow by 26%.

According to this feasibility study there are 18 clinical agencies in the County of Merced, County of Stanislaus, and San Joaquin County. All agencies are utilized by other nursing programs in the region. However, there are hospital expansions: Kaiser Permanente of Modesto plans to open a 250-bed hospital in 2007; Mercy Merced plans to build a new hospital in 2009; Emmanuel Hospital plans to expand by 30 beds in 2008; and, Dameron Hospital and Lodi Memorial have plans for expansion.

The program proposed a Bachelor of Science in Nursing program that has a special sequence for the Licensed Vocational Nurse to achieve a BSN. Program content will focus on role transition, advanced clinical skills, and critical thinking. Students will take NCLEX at the completion of the BSN. The LVN to BSN is a fulltime program, and it comprised of 120 semester credits.

UOP fiscal budget runs from September 1 through August 31 of each year. UOP is planning on four (4) project cohorts of 14 students each enrolling at 90-day increments in the first year. After that all cohorts will be expanded to no more than 21 students enrolling at 90-day increments each year. Therefore, UOP plans to enroll by 1010 eight groups for a total of 546 LVNs. The first class is planned for Fall of 2006.

MSC: Tate/Phillips that the Board accept the Feasibility Study for University of Phoenix LVN – RN program. 9/0/0

**10.6 Information Only: Memorandum of Understanding between the Board of Registered Nursing and the Bureau for Private Postsecondary and Vocational Education**

M. Minato presented this report

A Memorandum of Understanding (MOU) agreement was signed between the Board of Registered Nursing (Board) and the Bureau for Private Postsecondary and Vocational Education (BPPVE) in September 2005. The two agencies agreed to provide mutual cooperation in the approval of prelicensure nursing education program and continuing education providers not exempted from Bureau and Board approval. The Board and BPPVE will conduct a joint visit for approval of a new prelicensure nursing program offered by private postsecondary institutions. A copy of the MOU was provided for review.

**10.7 Information Only: California Community Colleges Curriculum Model for Registered Nursing Program**

M. Minato presented this report

Bonnie Adams, RN, MSN, EdD, and Barbra Napper, MSN, RN, who have been working with the Community College Nursing Program Directors in coordinating the development of an ADN Curriculum Model, presented updated information on California Community College Associate Degree Nursing (RN) Curriculum Model at the Education/Licensing Committee meeting on November 3, 2005. The curriculum model will be made available to any interested school, to be used as a baseline for development of a new nursing program or to facilitate their own curriculum revision. A copy of the report on the Associate Degree Nursing (RN) Curriculum Model, a Statewide Project for California Community College Associate Degree Nursing Programs that provides an introduction and the process, was provided for review.

**10.8 Information Only: 2004-2005 Online Annual Report Survey**

C. Mackay presented this report

The Board of Registered Nursing introduced an online consolidated survey. For the first time, this new survey will collect data from both pre-licensure and post-licensure nursing education programs. The results of this comprehensive California survey will provide data-driven evidence to influence the policy process at the local, state, federal and institutional levels to support nursing, nursing education and workforce planning in California.

On September 27, 2005, all prelicensure and post-licensure nursing programs were sent a letter introducing the new annual survey with an instruction on how to access it through the MGT America Webpage. The *2004-2005 BRN Annual Report Survey* went online on October 1, 2005. The deadline for submitting the completed survey was October 31, 2005. Utilizing the new data analysis program, the Board anticipates that the 2004-2005 BRN Annual Report will be available to the public during March 2006.

Nursing Education Consultants are available to provide guidance with the completion of this survey. Technical assistance from the research design firm is also available to address technical difficulties.

#### **10.9 Information Only: NCLEX Pass Rate Update**

K. Daugherty presented this report

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for 12 months and by each quarter.

#### **NCLEX RESULTS – FIRST TIME CANDIDATES October 1, 2004 – September 30, 2005**

<b>JURISDICTION</b>	<b>TOTAL TAKING TEST</b>	<b>PERCENT PASSED %</b>
California	6,756	85.70 %
United States and Territories	98,047	87.18 %

#### **CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES By Quarters and Year – October 1, 2004 – September 30, 2005**

<i>10/01/04- 12/31/04*^</i>		<i>01/01/05- 03/31/05*</i>		<i>04/01/05- 06/30/05*</i>		<i>07/01/05- 09/30/05*</i>		<i>07/01/04- 09/30/05*</i>	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
582	73.54	1,852	87.74	1,238	87.08	3,084	86.22	6,756	85.70

\*Includes (7), (6), (6) & (9)“re-entry” candidates

^Exam length for all candidates increased to 6 hours beginning in this quarter

The Nursing Education Consultants monitor the NCLEX results of their assigned programs. Current procedure provides that after each academic year, if there is substandard performance (below 70% pass rate for first time candidates), the NEC requests that the program director submit a report outlining the program's action plan to address this substandard performance. Should this substandard performance continue in the second academic year, an interim visit is scheduled and a written report is submitted to the Education/Licensing Committee. If there is no improvement in the next quarter, a full approval visit is scheduled within six months. A report is made to the Education /Licensing Committee following the full approval visit.

The Board will continue to monitor results.

## **11.0 REPORT OF THE NURSING PRACTICE COMMITTEE**

G. Corse, Chairperson

### **11.1 Accept/Not Accept: The Role of the Registered Nurse in the Management of Patients Receiving IV Moderate Sedation/Analgesia for Therapeutic, Diagnostic or Surgical Procedures**

J. Wackerly presented this report

The Nursing Practice Committee recommended suggestions to the title of the advisory in order to include information regarding the American Society of Anesthesiologists Compliance Tool Kit, Sedation Model Policy. It was suggested that the information from the standards from JCAHO, which is titled by the Joint Commission, Standards for Sedation and Anesthetic Care, also be included.

The remainder of the content would require a regulatory change and will be put on the regulatory calendar.

MSC: Phillips/Dietz that the Board accept the recommended suggestions from the Nursing Practice Committee. 9/0/0

### **11.2 Accept/Not Accept: RN Scope of Practice: Delegation and Supervision of LVNs**

J. Wackerly presented this report

The Nursing Practice Committee requested that this document be tabled until regulatory language is written to clarify delegation and supervision of LVNs.

Comments: V. Bermudez, H. Dumpel, and S. Hanson

MSC: Morales-Board/Dietz that the Board direct staff to develop regulatory language regarding delegation and supervision of LVNs. 9/0/0

MSC: Glaab/Phillips that the Board direct staff to explore regulatory language for the supervision of licensed psychiatric technicians by their superiors. 9/0/0

### **11.3 Accept/Not Accept: Update Advisory Information: Nurse Midwives Furnishing in accord with SB 614 (Figueroa), Chapter 266, effective January 1, 2006**

J. Wackerly presented this report

The California Nurse-Midwives Association sponsored SB614 (Figueroa), signed by Governor Schwarzenegger on September 22, 2005, effective January 1, 2006. Nurse midwifery furnishing authority is amended to include Schedule II Controlled Substances in the following facilities: acute care hospitals, licensed birth centers, specialty hospitals, clinics, physician offices, and student health centers. Previously SB 298 (Figueroa) Chaptered 289 on September 12, 2001 authorized furnishing of Schedule II Controlled Substances in acute care hospital setting only.

SB 614 Chaptered 266 amends the circumstance for furnishing 2746.51 (C) removing "essentially healthy persons" language and inserting "care rendered, consistent with the certified nurse-midwife's educational preparation or for which clinical competency has been established and maintained".

Amended 2746.51 (3) adding Schedule II controlled substances and adds, "For Schedule II controlled substance protocols, the provision for furnishing the Schedule II controlled substance shall address the diagnosis of the illness, injury, or condition for which the Schedule II controlled substance is to be furnished."

Amended 2746.51 (4) "Certified nurse-midwives who are certified by the board and hold an active furnishing number, who are currently authorized through standardized procedure or protocol to furnish schedule II controlled substance, and who are registered with the United States Drug Enforcement Agency **shall provide documentation of continuing education specific to the use of Schedule II controlled substances in settings other than a hospital based on standards developed by the board.**"

MSC: Dietz/Phillips that the Board accept the revisions to the advisory. 9/0/0

**11.4 Accept/Not Accept: Advisory Information: RNs providing influenza and pneumococcal immunizations in skilled nursing facilities in accord with AB 1711 (Strickland), Chapter 58, an act to add Section 1261.3 to the Health and Safety Code.**

J. Wackerly presented this report

Immunizations performed by RNs in skilled nursing facilities pursuant to approved standing orders by the medical director of the facility is an additional RN authorized practice amending the Health and Safety Code. The information will be made available on the boards Website and to interested parties.


MSC: Phillips/Glaab that the Board accept the amendment. 9/0/0


**12.0 ELECTION OF OFFICERS**

L. Tate presented this report

Pursuant to the Sturgis Rules of Order, elections of officers are to be held at the first meeting of the New Year. Therefore, the election of officers will be held at the February 2006 Board Meeting.

**Meeting Adjourned at 12:10 pm**

  
Ruth Ann Terry, MPH, RN  
Executive Officer

  
L. Tate  
President